

STATE OF HAWAII
HAWAII LABOR RELATIONS BOARD

In the Matter of
DEAN POWELL,

Complainant,

and

PAUL BROWN'S SPA OLAKINO
& SALON,

Respondent,

and

DIRECTOR, DEPARTMENT OF LABOR
AND INDUSTRIAL RELATIONS,

Appellee.

CASE NO. OSH 2008-7
Discrimination Complaint

ORDER NO. 289

PRETRIAL ORDER

PRETRIAL ORDER

Pursuant to the initial conference in this matter held by the Hawaii Labor Relations Board (Board) on August 14, 2008, and attended by Dean Powell, pro se, Complainant, Lani Narikiyo, Esq., for Respondent and J. Gerard Lam, Deputy Attorney General, for Appellee, IT IS HEREBY ORDERED THAT:

1. The issues to be determined at trial are as follows:
 - A. Whether Respondent discharged Complainant on May 10, 2007 for participating in protected activity, in violation of HRS § 396-8(e)?
 - B. If so, whether the relief and penalty imposed are appropriate?
 - C. Whether Complainant timely filed a complaint?
2. The deadline for filing of the parties' final naming of witnesses is **December 16, 2008**. Each party shall file with the Board the original and four copies of its list of witnesses it plans to call at trial, along with the witnesses' addresses and brief summary of expected subject of their

testimony, with a certificate of service to the other party, by this date. Each party shall also exchange any expert witness reports by this date.

3. The discovery cutoff date is **January 16, 2009**. All other discovery and information requests, including depositions and document requests, must be completed by this date.
4. Trial in this matter is scheduled for **February 17 - 18, 2009 at 9:00 a.m.**, in the Board's hearing room located at Room 434, 830 Punchbowl Street, Honolulu, Hawaii, 96813. The trial will continue from day-to-day until completed. The parties shall submit to the Board four copies of all exhibits identified and offered into the record. Additional copies for opposing counsel or parties shall also be provided.
5. Hereafter, this Pretrial Order shall control the course of proceedings and may not be amended except by consent of the parties and the Board, or by order of the Board.

DATED: Honolulu, Hawaii, August 14, 2008.

HAWAII LABOR RELATIONS BOARD



JAMES B. NICHOLSON, Chair



SARAH R. HIRAKAMI, Member

NOTICE TO EMPLOYER

You are required to post a copy of this Order at or near where citations under the Hawaii Occupational Safety and Health Law are posted at least five working days prior to the trial date. Further, you are required to furnish a copy of this Order to a duly recognized representative of the employees, if any, at least five working days prior to the trial date.

Copies sent to:

Dean Powell
Lani Narikiyo, Esq.
J. Gerard Lam, Deputy Attorney General